

### **REMARKS/ARGUMENTS**

The final Office Action of October 5, 2007 has been reviewed and these remarks are responsive thereto. Applicant notes that the undersigned is new counsel of record pursuant to the Power of Attorney filed September 21, 2007. Claims 1-18 have been amended, no claims have been canceled, and new claims 19 and 20 have been added. No new matter has been added. Claims 1-20 are pending in this application upon entry on the present amendment. Entry of the amendments, reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 112***

Claims 1-18 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Office Action argues that the term “a set of channels” is vague and indefinite in view of the disclosure, because the claims do not recite a specific channel type (e.g., radio channels, television channels, data stream channels). Notwithstanding the merits of the rejection, Applicant has amended claims 1-18 as discussed below to expedite allowance of the instant application. For example, independent claims 1, 7, and 13 have been amended to recite storing “television channels” in a “favorite channels list.” In light of these amendments, Applicant submits that claims 1-18 are fully supported and enabled by the original disclosure as filed, and thus rendering as moot the rejections under 35 U.S.C. § 112, first paragraph.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 1-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,029,045 (Picco), in view of U.S. Patent No. 6,373,528 (Bennington). Applicant traverses these rejections for at least the following reasons.

Independent claim 1 has been amended to recite “storing [a] plurality of user-preferred television channels in a favorite channels list,” “receiving via a television programming provider data corresponding to an additional channel,” and “inserting the additional television channel into the favorite channels list.” In contrast, none of the cited references teaches or suggests inserting a television channel into a favorite channels list. As the Office Action correctly indicates on page 3, Picco does not disclose storing a set of channels in a list. Applicant notes

that Picco also does not teach, suggest, or even relate to a “favorite channels list,” as recited in amended claim 1. Bennington discloses a set of television channels in a favorite channels list (FIG. 8; col. 20, line 37 – col. 21, line 51), but does not teach or suggest inserting into the list an additional television channel “received via a television programming provider,” as recited in amended claim 1. Rather, each channel in Bennington’s favorites list is either selected directly by the viewer (col. 20, lines 48-52), or based on the category of programming, such as sports, news, etc. (col. 21, lines 10-19). That is, Bennington never discloses or even contemplates receiving a channel designation from a television programming provider and inserting that channel into a favorite channels list.

Therefore, neither Picco nor Bennington teaches or suggests, “storing [a] plurality of user-preferred television channels in a favorite channels list,” “receiving via a television programming provider data corresponding to an additional channel,” or “inserting the additional television channel into the favorite channels list.” Accordingly, neither Picco nor Bennington, alone or in combination, teaches or suggests every feature of amended claim 1. As such, claim 1 is not obvious in view of the cited art.

Independent claims 7 and 13 have also been amended to recite “stor[ing] said plurality of user-preferred television channels in a favorite channels,” “receiv[ing] via a television programming provider data corresponding to an additional television channel not in the plurality of user-preferred television channels, and “insert[ing] the additional television channel into the favorite channels list.” Therefore, for similar reasons to those discussed above regarding claim 1, amended claims 7 and 13 are not obvious in view of the cited references. Amended dependent claims 2-6, 8-12, and 14-18 are not obvious in view of the cited references for at least the same reasons as their respective base claims, as well as based on the additional features recited therein.

For example, amended claims 3, 9, and 15 each recite “verifying that a number of television channels in the favorite channels list that are not in the plurality of user-preferred television channels is less than a predetermined number.” As discussed above, Picco does not teach or suggest a favorite channels list. In Bennington, the selections for the favorite channels list come directly from the viewer; they are never received from the television programming provider. In other words, the television channels in Bennington’s favorite channels list are

exactly the same as the user-preferred television channels, and there would be no reason to calculate the numerical difference between the two. Therefore, Bennington does not teach or suggest, “verify[ing] that a number of television channels in the favorite channels list that are not in the plurality of user-preferred television channels is less than a predetermined number,” as recited in claims 3, 9, and 15.

As another example, claims 4, 10, and 16 each recite “set[ting] an expiration time for the additional television channel in the favorite channels list.” Neither Picco nor Bennington, alone or in combination, teaches or suggests the additional feature of setting an expiration time for a channel in a favorite channels list.

### ***New Claims***

Applicant has added new claims 19 and 20. No new matter has been added. While Applicant notes that new claims 19 and 20 have not been rejected, the following remarks are submitted in the interest of expediting prosecution.

Claims 19 and 20 depend respectively from claims 3 and 15, and each recite “verify[ing] that the percentage of television channels in the favorite channels list that are not in the plurality of user-preferred television channels does not exceed a predetermined percentage.” As discussed above, Picco does not teach or suggest a favorite channels list, and the channel selections for Bennington’s favorite channels list are never received from the television programming provider, but always come directly from the viewer. Therefore, Bennington does not teach or suggest, and would not have any need for, “verify[ing] that the percentage of television channels in the favorite channels list that are not in the plurality of user-preferred television channels does not exceed a predetermined percentage,” as recited in new claims 19 and 20. Accordingly, Applicant submits that new claims 19 and 20 are allowable over the cited art for at least these additional reasons.

**CONCLUSION**

Based on the foregoing, Applicant respectfully submits that the application is in condition for allowance and a Notice to that effect is earnestly solicited. Should the Examiner believe that anything further is desirable in order to place the application in even better form for allowance, the Examiner is respectfully urged to contact Applicant's undersigned representative at the below-listed number.

Respectfully submitted,  
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Dated this 7th day of January, 2008

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